

REMARKS

It is respectfully submitted that the present amendment and remarks materially reduce the issues before the Examiner. Accordingly, entry of the amendment and remarks are respectfully solicited pursuant to 37 CFR 1.116.

Initially, Applicant's undersigned representative notes that the amendment submitted on 9 September 2003 (Paper No. 9) incorrectly labeled claims 2, 4, 5, 6, 9-14 as being "Previously present". Since no amendments have been made to these claims, their correct designation should have been "Original" Applicant has corrected the designation of these claims in this paper.

Further, Applicant notes that its PTO-1449 form, which was filed with an Information Disclosure Statement together with the filing of this application on 25 July 2001, has not yet been returned. Applicant respectfully requests that the Examiner expressly consider the references submitted with the PTO-1449 form and return the form as evidence of such due consideration.

Independent claim 1 has been amended to further distinguish the art of record. In particular, independent claim 1 has been amended to include the formation of the data zone in or on the magnetic layer for storing data. Adequate written descriptive support for this amendment can be found throughout the detailed specification as, for example, beginning on page 11. Accordingly, entry of this amendment is respectfully solicited.

Claims 1-11, and 13-14 were rejected under 35 U.S.C. 103 as being unpatentable over Han in view of Edmonson. Claim 12 was rejected under 35 U.S.C. 103 as being unpatentable over Han, Edmonson and Belser. The rejections are traversed and it is

respectfully submitted that the combination of references do not negate the patentability of the claimed subject matter.

Initially, Applicant takes issue with the Examiner's interpretation of both references. Han does not relate to producing a magnetic medium. Han relates to and specifically teaches a sensor element. This sensor element is used in conjunction with magnetic media to read and write to the magnetic media. The section which the Examiner points to in Han, column 4, lines 42-63, does not disclose that a MR element is an integral part of magnetic media itself. To the contrary, Han discloses that the head is being used in conjunction with the media, as in a disk drive. Accordingly, it is Applicants' position that Han does not teach the formation of a distribution of a low coercivity regions which function as servo marks capable of being sensed by a read-write head since Han teaches the formation of the head itself.

Secondly, Applicant takes issue with the Examiner's interpretation of the secondary reference, Edmonson. Edmonson relates to doping an under layer in a thin film magnetic recording media. (See, e.g., title; column 2, lines 8-14; column 5, lines 15-18) The Examiner's assertion that Edmonson teaches doping portions of a magnetic layer is factually incorrect.

Notwithstanding the erroneous interpretation of both references noted above, even if Han and Edmonson were combined, the Examiner has still not identified anywhere in the disclosures of the cited references a teaching of the formation of a distribution of low coercivity regions which function as servo marks capable of being sensed by a read-write head. Because at least this element of independent claim 1 is missing from the combined references, a *prima facie* case of obviousness has not been established.

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To further distinguish the cited references, however, Applicant has amended independent claim 1 to recite forming a data zone in or on the magnetic layer for storing data. Hence, Applicant respectfully submits that the amended claim clearly distinguishes over Han and there is no reason why the combination of Han with the secondary references would render the amended claim unpatentable.

Based on the foregoing, Applicant respectfully submits that by the present amendment and remarks, this case is in clear condition for allowance. Accordingly, pursuant to 37 CFR 1.116, Applicant respectfully solicits entry of these amendments and remarks.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Daniel Bucca', is written over a horizontal line.

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